IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.PADMANABHAN NAIR

FRIDAY, THE 5TH JANUARY 2007 / 15TH PAUSHA 1928

Crl.Rev.Pet.No. 79 of 2007()

(AGAINST CRL. APPEAL NO. 955 OF 2002, ADDL. SESSIONS COURT, NORTH PARAVUR AGAINST C.C. NO. 9 OF 2000, JUDICIAL FIRST CLASS MAGISTRATE NO.1, ALUVA)

REVN. PETITIONER - ACCUSED - APPELLANT:

KOCHU ALI, S/O. KUNJUMUHAMMED, PATTATHU HOUSE, ASHOKAPURAM ALUVA P.O., ALUVA.

BY ADV. SRI.K.SREESAKUMAR

RESPONDENTS:

1. SURESH P.P., S/O. PARAMESWARAN , PALATHINGAL HOUSE, EAST KADUNGALLOOR, NEAR PERIKKAPALAM U.C. COLLDGE P.O.

2. STATE OF KERALA, REPRESENTED BY PUBLIC PROSECUTOR, HIGH COURT OF KERALA, ERNAKULM

BY ADV. SRI.ABHILASH BHASKAR
BY PUBLIC PROSECUTOR SHRI MOHAMED PUZHAKKARA

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 05/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO. 79 OF 2007

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Dated this the 4th day of January, 2007

O R D E R

Heard. Criminal Revision Petition itself is heard and disposed of as agreed to by counsel on both sides.

2. Petitioner was found guilty of an offence punishable under Section 138 of the Negotiable Instruments Act by the Judicial First Class Magistrate No.I, Aluva in C.C. No.9 of 2000. Appeal filed against that conviction and sentence was also dismissed by the learned Sessions Judge. Hence this Criminal Revision Petition.

3. It is submitted by counsel on both sides that matter is settled out of court. Parties have filed Crl.M.A. No.273 of 2007 under Section 147 of the Negotiable Instruments Act for compounding the offence. Today I have allowed that application. Hence this Criminal Revision Petition is only to be allowed.

In the result, Criminal Revision Petition is allowed. Conviction and sentence imposed on the revision petitioner under Section 138 of the Negotiable Instruments Act are hereby set

aside. Revision petitioner is acquitted under Section 320(8) of the Code of Criminal Procedure Code.

K. PADMANABHAN NAIR, JUDGE.

vsv

K. PADMANABHAN NAIR, J.

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CRL. R.P. NO.

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O R D E R

4TH JANUARY, 2007